

REMARKS

In the Office Action, the Examiner rejected claims 30, 60, 63, 68, and 69 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0103864 of Rodman et al. ("Rodman"); rejected claims 1-16, 31-46, and 61 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,798,753 to Doganata et al. ("Doganata") in view of Rodman, and further in view of U.S. Patent Application Publication No. 2003/0014488 of Dalal et al. ("Dala");¹ and rejected claims 17-29, 47-59, 62, and 67 under 35 U.S.C. § 103(a) as being unpatentable over Doganata and Rodman, and further in view of U.S. Patent No. 6,275,575 to Wu ("Wu").

By this Reply, Applicants have amended claims 1, 17, 30, 31, 47, 60-63, and 67-69. Support for the amendments can be found in the specification at, for example, page 40, line 9 - page 43, line 9. Claims 1-63 and 67-69 are currently pending, with claims 1, 17, 30, 31, 47, 60-63, and 67-69 being independent. Claims 64-66 were previously canceled without prejudice or disclaimer. Based on the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and withdrawal of the rejections of the pending claims.²

¹ The Office Action rejects claims 1-16, 31-46, and 61 under 35 U.S.C. § 103(a) as being unpatentable over Doganata in view of Rodman, and further in view of U.S. Patent Application Publication No. 2003/0015588 of Dalal et al. Applicants believe the correct publication number for Dalal et al. is 2003/0014488. Applicants respectfully request clarification so that Applicants can provide a complete response to the Office Action.

² As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, ability to combine references, assertions as to patentability of dependent claims) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

I. The § 102(e) Rejection of Claims 30, 60, 63, 68, and 69

Applicants traverse the § 102(e) rejection of claims 30, 60, 63, 68, and 69 based on Rodman. Rodman does not disclose each and every element recited in amended independent claims 30, 60, 63, 68, and 69.

For example, amended independent claim 30 recites, among other things, “connecting a call . . . wherein the call is intercepted before being connected to the device associated with each of the plurality of conference users,” “receiving call information for each of the plurality of conference users in response to the interception of the call,” and “determining a preferred device for each of the plurality of conference users based on the call information.” Rodman does not disclose at least these elements, and the Office Action does not assert otherwise as Rodman is relied upon only for its alleged teachings of other elements recited in the claim. Office Action at 2-3 and 4. For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the § 102(e) rejection of claim 30.

With respect to the § 103(a) rejection of claims 1, 14, 31, 44, and 61, the Examiner attempted to cure these deficiencies of Rodman by relying on Dalal. Office Action at 4-5. The Examiner asserted that Dalal discloses “initiating contact with one or more conference users associated with a conference call . . . (INVITE_ALERT request is sent to the destination host, [0042-0044] [0046]); receiving call information in response to initiating contact with the first conference user (JOIN request with selected media types as telephone, [0051]); determining a preferred device for the first conference user based on the call information (telephone as preferred device, [0051] [0083]).”

Dalal discloses that the SPCC of service provider “sends an INVITE-ALERT message to the destination host [associated with an invited user].” Dalal, ¶ 46. “When the CCC of the CLIENT of the invited user receives the INVITE-ALERT message, an INVITE-ALERT-RESP response is sent to SPCC, acknowledging the receipt of the INVITE-ALERT message.” Dalal, ¶ 51. Dalal does not, however, teach or suggest that the INVITE-ALERT message sent by SPCC is being intercepted before connected to the destination host associated with the invited user. See Dalal, ¶¶ 48-51. Thus, Dalal does not teach or suggest “connecting a call . . . wherein the call is intercepted before being connected to the device associated with each of the plurality of conference users,” as recited in amended independent claim 30.

Because Dalal does not disclose that “the call is intercepted before being connected,” Dalal does not teach or suggest “receiving call information for each of the plurality of conference users *in response to the interception of the call*,” as recited in amended independent claim 30 (emphasis added).

In addition, Dalal discloses that an “INVITE request [from an inviting user to SPCC] may . . . specify the UID of a user who preference is to receive a telephone call.” Dalal, ¶ 83. The SPCC of Dalal therefore has the alleged information related to preference prior to sending an INVITE-ALERT message to the destination host associated with the invited user. Moreover, Dalal discloses that alternatively, “[i]f the user wishes to use a telephone in the conference call, then [the invited user’s] JOIN request [to SPCC] includes a telephone number in the form of a media tuple, e.g., (TEL, +1-555-123-4567, NULL).” Dalal, ¶ 51. Dalal discloses that “the [invited]

user . . . specifies the selected media types” after receiving an INVITE-ALERT message. Id.

Because Dala discloses that the SPCC has the alleged information related to preference prior to sending an INVITE-ALERT message and/or alternatively receives the alleged information related to preference after the invited user receives the INVITE-ALERT message, Dala does not teach or suggest the combination of “receiving call information for each of the plurality of conference users in response to the interception of the call” and “determining a preferred device for each of the plurality of conference users based on the call information,” as recited in amended independent claim 30.

For at least these additional reasons, Applicants respectfully request allowance of amended independent claim 30.

Amended independent claims 60, 63, 68, and 69, although of different scope, recite features that are similar to those discussed above with respect to amended independent claim 30. For reasons at least similar to the reasons set for above with respect to claim 30, Applicants respectfully request reconsideration and withdrawal of the § 102(e) rejection of claims 60, 63, 68, and 69, and allowance of the claims.

II. The § 103(a) Rejection of Claims 1-16, 31-46, and 61

Applicants respectfully traverse the § 103(a) rejection of claims 1-16, 31-46, and 61 over Doganata in view of Rodman, and further in view of Dala. A *prima facie* case of obviousness has not been established with respect to claims 1-16, 31-46, and 61.

Amended independent claim 1 recites, among other things, “connecting the call, wherein the call is intercepted before being connected to the device associated with the first conference user,” “receiving call information in response to the interception of the

call,” and “determining a preferred device for the first conference user based on the call information.” Doganata, Rodman, and Dalal, taken alone or in combination, fail to teach or suggest at least the recited combination of elements.

Doganata discloses “[a] system and method for providing automatic scheduling and establishment of telephone conferences over a network such as the Internet.” Doganata, Abstract. Doganata discloses that “[t]he conference service provider receives the telephone numbers of the participants over the established data connection and starts dialing out to the participants.” Doganata, col. 3, lines 3-5. Doganata does not, however, teach or suggest that calls to the participants are being “intercepted before being connected the device associated with the [participants]” and “receiving call information in response to the interception of the call,” as recited in amended independent claim 1. In addition, Doganata does not teach or suggest “determining a preferred device for the . . . conference user based on the call information,” as recited in independent claim 1. Instead, Doganata discloses simply connecting participants to the audio bridge when the participants answer the initial calls. Doganata, col. 3, lines 3-7.

Rodman does not teach or suggest “connecting the call, wherein the call is intercepted before being connected to the device associated with the first conference user,” “receiving call information in response to the interception of the call,” and “determining a preferred device for the first conference user based on the call information,” as recited in amended independent claim 1, and the Office Action does not assert otherwise as Rodman is relied upon only for its alleged teachings of other elements recited in the claim. Office Action at 4. In fact, Rodman discloses “distributing data to the participants” to the network addresses where the conference invitation is

initially transmitted to. Rodman at ¶¶ 13-14. Therefore, and without conceding any assertions with respect to Rodman, Rodman fails to cure these deficiencies of Doganata,

The Examiner attempted to cure these deficiencies of Doganata and Rodman by relying on Dalal. For at least reasons similar to the reasons set forth above with respect to amended independent claim 30, Dalal does not teach or suggest “connecting the call, wherein the call is intercepted before being connected to the device associated with the first conference user,” “receiving call information in response to the interception of the call,” and “determining a preferred device for the first conference user based on the call information,” as recited in amended independent claim 1,

In view of the above-noted deficiencies of Doganata, Rodman, and Dalal, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and claim 1. Also, in view of those deficiencies, no combination of the applied references can possibly yield claim 1. Nor is claim 1 predictable from the applied references. Further, in view of those deficiencies, one of ordinary skill in the art would not have been motivated to modify the teachings of the references to achieve Applicants’ claimed combinations. Thus, the Office Action has failed to clearly articulate a reason why claim 1 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 1, and the rejection under 35 U.S.C. § 103(a) should be withdrawn.

Amended independent claims 31 and 61, although of different scope, recite features that are similar to those discussed above with respect to amended independent

claim 1. For at least reasons similar to the reasons set forth above with respect to amended independent claim 1, a *prima facie* case of obviousness has not been established with respect to amended independent claims 31 and 61. Accordingly, the rejection of independent claims 31 and 61 under 35 U.S.C. § 103(a) should be withdrawn.

Dependent claims 2-16 and 32-46 depend from amended independent claims 1 and 31, respectively. Because any claim that depends from a nonobvious claim is also nonobvious, Applicants request withdrawal of the § 103(a) rejection of claims 2-16 and 32-46 at least by virtue of their dependence from claims 1 or 31, as well as by reason of reciting additional features not taught or suggested by the cited references.

III. The § 103 Rejection of Claims 17-29, 47-59, 62, and 67

Applicants respectfully traverse the § 103(a) rejection of claims 17-29, 47-59, 62, and 67 over Doganata in view of Rodman, and further in view of Wu. A *prima facie* case of obviousness has not been established with respect to claims 17-29, 47-59, 62, and 67.

Amended independent claim 17 recites a combination of elements including “connecting the call, wherein the call is intercepted before being connected to the device associated with the first conference user,” “receiving call information in response to the interception of the call,” and “determining a preferred device for the first conference user based on the call information and calendar information, the calendar information identifying a first device and a second device associated with the first conference user, the calendar information reflecting that the first device is preferred by the first conference user for sharing data interactively in computer-enhanced conference

calls during a first time period and the second device is preferred for sharing data interactively in computer-enhanced conference calls during a second time period.”

As explained above with respect to amended independent claim 1, Doganata discloses simply connecting participants to the audio bridge when the participants answer the initial calls. Doganata, col. 3, lines 3-7. Therefore, Doganata fails to teach or suggest the recited combination of elements.

Rodman fails to cure these deficiencies of Doganata. As explained above with respect to amended independent claim 1, Rodman discloses “distributing data to the participants” to the network addresses where the conference invitation is initially transmitted to. Rodman at ¶¶ 13-14. Therefore, Rodman does not teach or suggest the recited combination of elements.

Wu fails to cure these deficiencies of Doganata and Rodman. The Examiner asserted that Wu discloses “a method and system for the purpose of initiating conferences to preferred devices of conference users wherein stored contact information for conference users comprises a daily schedule with preferred devices and associated time periods of use.” Office Action at 10-11. Although Wu discloses “various terminal devices associated with particular subscribers/non-subscribers,” Wu does not teach or suggest “connecting the call, wherein the call is intercepted before being connected to the device associated with the first conference user,” “receiving call information in response to the interception of the call,” and “determining a preferred device for the conference user based on the call information [received in response to the interception of the call],” as recited in amended independent claim 17.

For at least the above reasons, the Office Action has failed to clearly articulate a reason why amended independent claim 17 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to independent claim 17, and the rejection under 35 U.S.C. § 103(a) should be withdrawn.

Amended independent claims 47, 62, and 67, although of different scope, recite features that are similar to those discussed above with respect to amended independent claim 17. For at least reasons similar to the reasons set forth above with respect to amended independent claim 17, a *prima facie* case of obviousness has not been established with respect to amended independent claims 47, 62, and 67. Accordingly, the rejection of independent claims 47, 62, and 67 under 35 U.S.C. § 103(a) should be withdrawn.

Dependent claims 18-29 and 48-59 depend from amended independent claims 17 and 47, respectively. Because any claim that depends from a nonobvious claim is also nonobvious, Applicants request withdrawal of the § 103(a) rejection of claims 18-29 and 48-59 at least by virtue of their dependence from claims 17 or 47, as well as by reason of reciting additional features not taught or suggested by the cited references.

IV. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.


Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 14, 2010

By:



Jeffrey A. Berkowitz
Regt No. 36,743